

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RUSSELL C. BRICKEY, SR.,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

CIVIL NO. 3:12cv311-HEH

FINAL ORDER

(Adopting Report and Recommendation of the Magistrate Judge)

This matter is before the Court on the Report and Recommendation of the Magistrate Judge (R&R) entered on September 26, 2012 (ECF No. 13). The time to file objections has expired and neither party has objected to the R&R. Having considered the matter and deeming it otherwise proper and just to do so, it is hereby ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge (ECF No. 13) is ACCEPTED and ADOPTED as the OPINION of the Court.
- (2) Defendant's Motion to Dismiss for Failure to Prosecute (ECF No. 11) is GRANTED.
- (3) Plaintiff's Complaint (ECF No. 3) is DISMISSED without prejudice.
- (4) The final decision of the Commissioner is AFFIRMED.
- (5) This case is CLOSED.

Let the Clerk of the Court send a copy of this Final Order to Plaintiff and all counsel of record.

It is so ORDERED.

Richmond, Virginia

Date: Oct 17, 2012

HEH /s/
Henry E. Hudson
United States District Judge